

STATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 322

SPONSOR: Criminal Justice Committee and Senator Geller

SUBJECT: Mandatory Youthful Offender Classification for Inmates Under 18

DATE: March 13, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gardner	Cannon	CJ	Favorable/CS
2.	_____	_____	APJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Senate Bill 322 will call on the Department of Corrections to assign inmates under the age of 18 to a youthful offender facility as a residential placement. The language of the bill allows the department to remove minor inmates who present disciplinary problems, and place them in adult facilities. This is done for the safety of minor inmates. The provisions of this bill would take effect on July 1, 2001.

This bill substantially amends the following section of the Florida Statutes: 958.11(6).

II. Present Situation:

A “Youthful Offender” (YO) is a classification made by the department or an adjudication made by the sentencing court. To be eligible for YO status, the offender has to come into the adult criminal justice system with the following three characteristics:

1. The offender must be at least 18 years of age or if under 18 must be waived up to adult court pursuant to ch. 985, F.S.
2. The offender must have committed the qualifying offense prior to reaching the age of 21.
3. The offender cannot have committed a capital or life felony, nor can the offender have been previously sentenced or classified as a YO.

According to the department, almost two out of three (65.4 percent) of those inmates currently designated as YO were so designated by the department rather than the sentencing court. One of the factors determining those designations as YO was the availability of space in the six facilities

housing YOs. According to the department, if more YO beds were available, more of the eligible inmates would be classified as YOs. See fiscal impact.

Currently, Florida maintains five (5) YO prisons for males, four (4) of which are operated by the department, and one (1) private prison operated by Corrections Corporation of America. There is one (1) predominately YO prison for females operated by the department. According to department statistics and OPPAGA reports, there are approximately 3,500 YO inmates in these six (6) facilities.

As of June 30, 2000, there were 464 inmates under the age of 18. In fiscal year 1999-00, 564 persons under the age of 18 were admitted to prison, and 6,910 persons ages 18-24 were admitted to prison.

There are 74 state inmates under the age of 18 who are not assigned to a YO prison or program. Of this number, 17 are serving sentences for a capital or life felony which would make them ineligible under s. 958.04(1)(c), F.S. Others were sentenced to more than ten (10) years in state prison and would not be screened for YO treatment by the department under s. 958.11(4), F.S., which this bill amends.

Most of those who are under 18, are also over 17, according to the department, and may have presented disciplinary problems unsuitable for a YO setting. These numbers change frequently, due to the fact that persons in this group are always aging, and most if not all will turn 18 in prison. The data shows that 24.3 percent would turn 18 within three months, 43.2 percent within six months, and 66.2 percent within nine months.

The per diem rate for inmates in YO prisons and programs are higher than the average for all inmates in state or privately operated prisons. According to the department, the reason for the higher per diem cost is the “enhanced vocational, educational, counseling, or public service” opportunities afforded YOs under s. 958.021, F.S., designed to improve the chances of correction and successful return to the community.

- The per diem rate for male YOs is \$55.08.
- The per diem rate for the average adult male is \$41.34.

III. Effect of Proposed Changes:

The Committee Substitute for Senate Bill 322 states that it is the Legislature’s intent that all inmates under the age of 18 be housed in a youthful offender facility unless they present an unacceptable disciplinary problem, in which case the inmate would be placed in the adult system. To accomplish this, the bill removes the clause in s. 958.11(6), F.S., that excluded capital and life felons from youthful offender facilities, and creates a presumption that minors have a mental and/or physical vulnerability that should exclude them from adult facilities until they are mature enough to be placed there.

This bill could add an average additional 75 inmates to the state’s YO prison population if those sentenced to prison under the age of 18 are kept in YO status until age 18, and then are

reassigned. This number would be even greater if those sentenced to prison under the age of 18 are kept in YO status until a higher age, and then are reassigned.

The provisions of this bill would take effect on July 1, 2001.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There should be no impact upon the private sector. Two YO facilities are geared to house inmates ages 14-18, Indian River Correctional Institution and Hillsborough Correctional Institution. The one privately run YO facility at Lake City is geared to house inmates ages 19-24.

C. Government Sector Impact:

The department states that it is currently using all available YO beds. To increase the number of YO beds available, the department would have to either build a new YO facility, convert an existing prison to a YO facility, or expand an existing YO facility. The department's current "five year fixed capital outlay plan" calls for spending approximately \$15,000,000 between the years 2002 and 2006 for improvements to youthful offender institutions. According to the department's 2001-2002 budget request, this money would be used to replace old structures and add new, resulting in a net gain of 291 YO beds.

If or when there is space made available for an additional 75 YO beds, Senate Bill 322 would have a fiscal impact on the department's budget due to the higher cost of YO treatment. Economic and demographic research drawn from statistics published by the department indicates the cost would be in the range of \$375,000 in the first year. This is derived by multiplying the average of 75 inmates under 18 not currently in YO status times the difference between the per diem for a YO and that of an adult male inmate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
